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## Action Packet

# Health Care Regulation Committee

**Tuesday, April 4, 2006  
10:15 AM - 11:00 AM  
212 Knott Building**

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**HB 569**



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 569**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

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1 Council/Committee hearing bill: Health Care Regulation  
2 Representative(s) Kreegel offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 70 and insert:

6  
7 compliance with the provisions of this section ~~part~~, chapter  
8 456, and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 569**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health Care Regulation  
2 Representative(s) Kreegel offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 45 and insert:

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7 Cross, American Heart Association, or an equivalent  
8 certification as determined by the board.

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**HB 775**

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 775**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Roberson offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 490.0149, Florida Statutes, is created to read:

490.0149 Specialties.--

(1) As used in this section, the term "specialties" or "diplomate" means defined areas in the practice of psychology with recognized special competency acquired through an organized sequence of formal education, training, experience and professional standing.

(2) A person licensed as a psychologist or school psychologist may not hold himself or herself out as a certified psychology specialist or psychology diplomate unless the person has received formal recognition as a board certified psychology specialist or psychology diplomate from a recognized certifying body that has been approved by the board.

(3) The board shall adopt rules to establish criteria for approval of certifying bodies. The criteria, must include:



Amendment No. 1 (for drafter's use only)

- Section 2. This act shall take effect July 1, 2006.

Remove the entire title and insert:

HB775-Roberson02.doc

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**HB 913**

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 913**

COUNCIL/COMMITTEE ACTION

ADOPTED ✓ (Y/N)  
ADOPTED AS AMENDED — (Y/N)  
ADOPTED W/O OBJECTION — (Y/N)  
FAILED TO ADOPT — (Y/N)  
WITHDRAWN — (Y/N)  
OTHER —

Council/Committee hearing bill: Health Care Regulation Committee  
Representative Harrell offered the following:

**Amendment (with title amendment)**

Between line(s) 142 and 143 insert:

Section 3. Section 893.055, Florida Statutes, is created  
to read:

893.055 Electronic-monitoring system for prescription of  
controlled substances listed in Schedules II, III, and IV.--

(1) As used in this section, the term "pharmacy" means any  
pharmacy subject to licensure or regulation by the Department of  
Health pursuant to chapter 465 which dispenses or delivers a  
controlled substance included on Schedule II, Schedule III, or  
Schedule IV to a patient in this state.

(2) By June 30, 2007, the Department of Health shall  
contract for the design, and establishment, and maintenance of  
an electronic system consistent with standards of the American  
Society for Automation in Pharmacy to monitor the prescribing  
and dispensing of controlled substances listed in Schedules II,  
III, and IV by health care practitioners within the state and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

the dispensing of such controlled substances to an individual at a specific address within the state by a pharmacy permitted or registered by the Board of Pharmacy. The contracted vendor shall maintain the database within the United States.

(3) Any controlled substance listed in Schedule II, Schedule III, or Schedule IV which is dispensed to an individual in this state must be reported to the Department of Health's contract vendor through the system established pursuant to the requirements set forth in this section as soon thereafter as possible, but not more than 35 days after the date the controlled substance is dispensed, each time the controlled substance is dispensed. A pharmacy may meet the reporting requirements of this section by providing to the Department of Health's contract vendor an exchangeable electronic disc, electronic file, or tape of each controlled substance listed in Schedule II, Schedule III, or Schedule IV which it dispenses.

(4) This section does not apply to controlled substances:

(a) Administered by a health care practitioner directly to a patient.

(b) Dispensed by a health care practitioner authorized to prescribe controlled substances directly to a patient and limited to an amount adequate to treat the patient for a period of no more than 72 hours.

(c) Dispensed by a health care practitioner or a pharmacist to an inpatient of a facility that holds an institutional pharmacy permit.

(d) Ordered from an institutional pharmacy permitted under s. 465.019 in accordance with the institutional policy for such controlled substances or drugs.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.   /   (for drafter's use only)

51       (e) Dispensed by a pharmacist or administered by a health  
52 care practitioner to a patient or resident receiving care from a  
53 hospital, nursing home, assisted living facility, home health  
54 agency, hospice, or intermediate care facility for the  
55 developmentally disabled which is licensed in this state.

56       (f) Prescribed by a health care practitioner for a patient  
57 younger than 16 years of age.

58       (5) The data required to be reported under this section  
59 shall be determined by the Department of Health by rule but may  
60 include any data required under s. 893.04.

61       (6) A practitioner or pharmacist who dispenses a  
62 controlled substance under this section must submit the  
63 information required by this section in an electronic or other  
64 format approved by rule of the Department of Health. The cost to  
65 the dispenser in submitting the information required by this  
66 section may not be material or extraordinary. Costs not  
67 considered to be material or extraordinary include, but are not  
68 limited to, regular postage, compact discs, zip-drive storage,  
69 regular electronic mail, magnetic tapes, diskettes, and  
70 facsimile charges. The information submitted to the Department  
71 of Health's contract vendor under this section may be  
72 transmitted to any person or agency authorized to receive it  
73 pursuant to section 1 of House Bill 943, or similar legislation,  
74 and that person or agency may maintain the information received  
75 for up to 24 months before purging the information from its  
76 records. All transmissions required by this subsection must  
77 comply with relevant federal and state privacy and security  
78 laws. However, any authorized agency receiving such information  
79 may maintain it for longer than 24 months if the information is  
80 pertinent to an ongoing investigation or prosecution.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

81       (7) Any contractor entering into a contract under  
82 s.893.055 is liable in tort with respect to the improper release  
83 of any confidential information received and for any breach of  
84 contract. Sovereign immunity may not be raised by the  
85 contractor, or the insurer of that contractor on the  
86 contractor's behalf, as a defense in any action arising out of  
87 the performance of any contract entered into under s.893.055 or  
88 as a defense in tort, or any other application, with respect to  
89 the maintenance of confidentiality of information and for any  
90 breach of contract.

91       (8) Any person who knowingly fails to report the  
92 dispensing of a controlled substance listed in Schedule II,  
93 Schedule III, or Schedule IV as required by this section commits  
94 a misdemeanor of the first degree, punishable as provided in s.  
95 775.082 or s. 775.083.

96       (9) The Department of Health and the regulatory boards for  
97 the health care practitioners subject to this section shall  
98 adopt rules pursuant to s. 120.536(1) and 120.54 to administer  
99 this section.

100       (10) All costs incurred by the Department of Health in  
101 administering the prescription-monitoring system shall be borne  
102 by the department, and an amount necessary to cover such costs  
103 shall be appropriated annually, subject to the availability of  
104 funds, from the Grants and Donations Trust Fund. The Medical  
105 Quality Assurance Trust Fund may not be used to administer or  
106 otherwise fund this program.

107       (11) This section shall stand repealed on October 2, 2009,  
108 unless reviewed and saved from repeal through reenactment by the  
109 Legislature.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

===== T I T L E A M E N D M E N T =====

Remove line 10 and insert:

Schedule II, Schedule III, or Schedule IV; creating  
s. 893.055, F.S.; providing a definition; requiring  
the Department of Health to establish an electronic  
system to monitor the prescribing of controlled  
substances listed in Schedules II, III, and IV;  
requiring the dispensing of such controlled  
substances to be reported through the system;  
providing exceptions; providing reporting  
requirements; providing penalties; requiring that the  
department and regulatory boards adopt rules;  
requiring the department to cover all costs for the  
system; providing for annual appropriations, subject  
to availability of funds; prohibiting using funds  
from the Medical Quality Assurance Trust Fund to  
administer the program; creating s.



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**HB 943**

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 943

COMMITTEE ACTION:

☐ Favorable  
☒ Favorable with Amendments  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

Other Action: \_\_\_\_\_

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 943**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Harrell offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 24-65 and insert:

Department of Health or the Department of Health's contract  
vendor under s. 893.055, the electronic-monitoring system for  
prescription of controlled substances, is confidential and  
exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
Constitution.

(2) The Department of Health or the contract vendor  
entering into a contract pursuant to s. 893.055(1) shall  
disclose such confidential and exempt information to:

(a) The executive director, or a board investigator as  
designated by each board of the regulatory boards of the health  
care practitioners subject to s. 893.055 pursuant to the  
provisions of s. 456.073.

(b) The Agency for Health Care Administration when it has  
initiated a review of specific identifiers of Medicaid fraud and  
abuse.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (c) A criminal justice agency as defined in s. 119.011,  
23 which enforces the laws of this state or the United States  
24 relating to controlled substances and which has secured a  
25 subpoena for such confidential and exempt information pursuant  
26 to an active investigation of an individual involving a specific  
27 violation of law.

28 (d) A practitioner as defined in s. 893.02, or an employee  
29 of the practitioner who is acting on behalf of and at the  
30 direction of the practitioner, who requests such information and  
31 certifies that the information is necessary to provide medical  
32 treatment to a current patient in accordance with s. 893.05,  
33 subject to that patient's written consent.

34 (e) A pharmacist as defined in s. 465.003, or a pharmacy  
35 intern or pharmacy technician who is acting on behalf of and at  
36 the direction of the pharmacist, who requests such information  
37 and certifies that the requested information will be used to  
38 dispense controlled substances to a current patient in  
39 accordance with s. 893.04.

40 (f) The patient who is identified in the record upon a  
41 written request for the purpose of verifying that information.

42 (3) Any agency that obtains such confidential and exempt  
43 information pursuant to this section must maintain the  
44 confidential and exempt status of that information; however, the  
45 Agency for Health Care Administration or a criminal justice  
46 agency with lawful access to such information may disclose  
47 confidential and exempt information received from the Department  
48 of Health to a criminal justice agency as part of an active  
49 investigation of a specific violation of law.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.   1   (for drafter's use only)

50       (4) Any person who willfully and knowingly violates this  
51 section commits a felony of the third degree, punishable as  
52 provided in s. 775.082 or s. 775.083.

53       (5) This section is subject to the Open Government Sunset  
54 Review Act of 1995 in accordance with s. 119.15, and shall stand  
55 repealed on October 2, 2009, unless reviewed and saved from  
56 repeal through reenactment by the Legislature.

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**HB 1111**

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 1111  
Meeting Date 4-4-06 Time 10:15 Am Place 212 Knott

☐ Favorable  
☐ Favorable with Amendments \_\_\_\_\_  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

[illegible]

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**HB 1177**



Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 1177  
Meeting Date 4-4-06 Time 10:15 Am Place 212 Knott

☐ Favorable  
☐ Favorable with Amendments \_\_\_\_\_  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

Final Vote on Bill		Members	#1		#2		#3		#4	
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Bendross-Mindingall, Dorothy								
		Bilirakis, Gus								
		Bowen, Marty								
		Cretul, Larry								
		Henriquez, Bob								
		Homan, Ed								
		Poppell, Ralph								
		Proctor, William								
		Roberson, Yolly								
		Sobel, Eleanor								
		Garcia, Rene, Chair								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		TOTALS	(A)		(A)		(A)		(A)	

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Roberson offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 38-40 and insert:

(e) "Nursing staff" means nurses licensed pursuant to part  
I of chapter 464, certified nursing assistants certified  
pursuant to part II of chapter 464, and any other staff  
designated by the governing body of a hospital or quality  
assurance committee of a nursing home, involved in the handling,  
lifting, and moving of patients.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED        (Y/N)

ADOPTED AS AMENDED        (Y/N)

ADOPTED W/O OBJECTION ✓ (Y/N)

FAILED TO ADOPT        (Y/N)

WITHDRAWN        (Y/N)

OTHER           

1 Council/Committee hearing bill: Health Care Regulation

2 Representative(s) Roberson offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 43 and insert:

6  
7 (2) (a) The governing body of a hospital or quality  
8 assurance committee of a nursing home

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Roberson offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 46-81 and insert:

injury to patients and nursing staff associated with lifting,  
transferring, repositioning, or moving a patient.

(b) The policy shall be consistent with a minimal-lift  
philosophy and establish a process that, at a minimum, includes:

1. Establishment of a safe patient handling and moving  
committee with the responsibility of implementing a minimal  
manual lift program in the facility. The committee may be a  
subcommittee of any already existing committee and shall include  
in its membership representatives of the bargaining unit, where  
one is recognized, and members of the nursing staff from various  
units of the facility.

2. Analysis of the risk of injury to patients, nurses, and  
health care workers posed by the handling and moving needs of  
the patient populations served by the hospital or nursing home  
and the physical environment in which patient handling and  
moving occurs.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health Care Regulation

2 Representative(s) Roberson offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 84 and insert:

6  
7 the hospital or quality assurance committee of a nursing home on  
8 activities

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. HB 1177

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>✓</u>	(Y/N)
OTHER	<u>      </u>	

1 Council/Committee hearing bill: Health Care Regulation  
2 Representative(s) Roberson offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 118-121 and insert:

6  
7 (5) The agency shall develop rules for administering this  
8 act that require compliance with policy development by January  
9 1, 2007, and full implementation of safe handling and moving  
10 policies by July 1, 2007. The agency shall enforce the  
11 requirements of this section under its authority to regulate  
12 hospitals and nursing homes pursuant to chapter 395, and part II  
13 of chapter 400 respectively.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Health Care Regulation Committee  
2 Representative(s) Roberson offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 121 and insert:

6  
7 handling and moving policies by July 1, 2010.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 (for drafter's use only)

Bill No. **HB 1177**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Health Care Regulation  
2 Representative(s) Roberson offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 118-121 and insert:

6  
7 (5) The agency shall develop rules for administering this  
8 act that require compliance with policy development by January  
9 1, 2007, and full implementation of safe handling and moving  
10 policies by July 1, 2010. The agency shall enforce the  
11 requirements of this section under its authority to regulate  
12 hospitals and nursing homes pursuant to chapter 395, and part II  
13 of chapter 400 respectively.

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**HB 1397**



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**HB 1625**

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